

SHORTHAND REPORTING

March 24, 2006

FILED

Sharon L. Tomanga

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SHORTHAND REPORTING

IN THE MATTER OF

KATHRYN E. BRIGGS-KRAUSE, C.S.R.
Certificate Number: 30XI00127600

TO PRACTICE SHORTHAND REPORTING
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Shorthand Reporting (hereinafter the "Board") on information it received and on which the following findings are made:

FINDINGS OF FACT

1. On or about July 1, 1986, respondent Kathryn Briggs-Krause was issued a certificate from the Board authorizing her to practice shorthand reporting in the State of New Jersey. She remained a certificate holder of the Board until she permitted her certificate to lapse when she failed to renew it for the 2000-2002 biennial period. [See Exhibit "A"].

2. Respondent's certificate to practice shorthand expired on June 30, 2000, as a result of her failure to forward the appropriate renewal fees to the Board office. By operation of N.J.S.A. 45:1-7.1(b), her certificate was automatically suspended, without a hearing, following her failure to renew it within thirty (30) days its expiration date. Her certificate remains expired from that date to the present. [See Exhibit "A"].

3. On or about December 17, 2003, the respondent, via her affiliation with Friis Associates, reported the deposition of Theodore Batlas, Ph.D., in the matter of Beverly Bielory v. James Higgins, M.D., Docket Number: L-1125-00. In reporting this matter, the respondent represented to the parties to the deposition, as well as to her employer, that she held a valid and active certificate to practice shorthand reporting in New Jersey. Additionally, the respondent utilized the initials "C.S.R.," indicating that she was a certified shorthand reporter in New Jersey, on the certification page of the transcript she prepared in the above captioned matter. [See Exhibit "B"].

4. In a letter dated June 2, 1004, to the Board, Ms. Briggs-Krause stated that she

. . . could find no more recent records of license renewals, which would side with Mr. Prout's contentions; however, I feel strongly that I did not receive renewal reminders, either. . . . It was never my intention to let my license lapse and I will do everything possible to correct the situation.

[See Exhibit "C"].

CONCLUSIONS OF LAW

1. Respondent engaged in the unlicensed practice of shorthand reporting, during 2000 to the present, in violation of N.J.S.A. 45:1-7.1(c).

2. Respondent violated, as well as failed to comply, with the provisions of the Uniform Enforcement Act, codified at N.J.S.A. 45:1-14 et seq., specifically N.J.S.A. 45:1-7.1(c) which is administered by the Board, contrary to the provisions of N.J.S.A. 45:1-21(h). N.J.S.A. 45:1-25(c), as well as N.J.S.A. 45:1-7.1, authorizes disciplinary action against Mrs. Briggs-Krause for engaging in the unlicensed practice of shorthand reporting.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which concluded that the respondent had engaged in the unlicensed practice of shorthand reporting, from 2000 to the present, was entered on November 3, 2004, and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

On or about November 12, 2004, the respondent forwarded to the Board's administrative office her personal check number:

1129 in the amount of \$81.00. This amount represented a monthly installment payment on the total amount of monies preliminarily imposed in the Provisional Order for reinstatement fees, past renewal fees and a civil penalty of \$1,000.00. Since that date, the respondent has sent monthly checks to the Board office, in the amount of \$81.00, during the months of December 2004, January and February 2005.

The respondent's monthly submissions were reviewed by the Board at its March 21, 2005, meeting. The Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Furthermore, the Board was not persuaded that the materials submitted merited further consideration as the respondent did not dispute the Findings of fact or Conclusions of Law. However, the Board determined to modify the Provisional Order and allow the respondent to be reinstated effective on the entry of the Final Order in this matter as a result of her election to pay the civil penalty, reinstatement and delinquent renewal fees via an installment plan. Thereafter, the Board voted to finalize the Provisional Order with modifications.

ACCORDINGLY, IT IS on this 11th day of APRIL 2005,

ORDERED that:

1. The respondent Kathryn E. Briggs-Krause is hereby formally reprimanded, pursuant to N.J.S.A. 45:1-22(a), for engaging

in the unlicensed practice of shorthand reporting from 2000 to the present.

2. Respondent's certificate to practice shorthand reporting in the State of New Jersey is and shall be hereby reinstated effective on the entry of this Order. Respondent shall pay a reinstatement fee of \$125.00 in addition to any and all renewal fees from 2000 to, and including the present renewal period, totaling \$330.00.

3. The respondent Kathryn E. Briggs-Krause is hereby assessed a civil penalty in the amount of \$1,000.00 for engaging in the unlicensed practice of shorthand reporting in violation of N.J.S.A. 45:1-7.1 and N.J.S.A. 45:1-21(h). Payment shall be made by certified check or money order made payable to the State of New Jersey. The payment shall be submitted to Dianne L. Tamaroglio, Executive Director of the State Board of Shorthand Reporting, at 124 Halsey Street, Sixth Floor, Post Office Box 45019, Newark, New Jersey 07101, within thirty (30) days of the entry date of this Order.

In the alternative, the respondent may request, within the thirty (30) day period, that the civil penalty, the reinstatement and delinquent renewal fees be paid in installment payments, including interest, as follows: Equal payments of \$81.00, to be paid in eighteen (18) monthly installments, totaling \$1,455.00 plus the applicable amount of simple interest of 5.5%, as

provided by New Jersey Court Rule 4:42-11(a)(ii). These installment payments shall be due on or before the fifteenth (15th) day of each month, commencing November 15, 2004, and shall be submitted to Ms. Tamaroglio, Executive Director of the Board, at the address listed above. Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice.

4. Respondent is required, by N.J.S.A. 45:15B-3.1, N.J.A.C. 13:43-7.1 and 7.2, to complete fifteen (15) credits of continuing education courses by December 31, 2004. Verification of the completion of these courses shall be forwarded to the Board.

5. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD
OF SHORTHAND REPORTING

By: 

MARIANNE CAMMAROTA, C.S.R.
President